

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 MICHAEL DAVIS,

12 Petitioner,

No. CIV S-04-0236 GEB KJM P

13 vs.

14 J. SILVA, Warden,

15 Respondent.

ORDER

16 _____/
17 Petitioner, a state prisoner proceeding pro se, has
18 filed this application for a writ of habeas corpus pursuant to 28
19 U.S.C. § 2254. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 General Order No. 262.

22 On June 29, 2005, the magistrate judge filed findings
23 and recommendations herein which were served on all parties and
24 which contained notice to all parties that any objections to the
25 findings and recommendations were to be filed within twenty days.
26

1 Petitioner has filed objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed June 29,
10 2005, are adopted in full; and

11 2. Respondent's November 2, 2004 motion to dismiss for
12 failure to exhaust is granted.

13 Dated: August 19, 2005

14
15 /s/ Garland E. Burrell, Jr.
16 GARLAND E. BURRELL, JR.
17 United States District Judge
18
19
20
21
22
23
24
25
26